

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: LOUIS DARRELL HARPER, SR.  
BETTY DENISE HARPER, Debtors**

**CASE NO. 19-03880  
CHAPTER 13**

**NOTICE OF FILING CHAPTER 13 PLAN AND MOTIONS FOR VALUATION AND  
LIEN AVOIDANCE**

The above-named Debtor(s) has/have filed a *Chapter 13 plan and Motions for Valuation and Lien Avoidance* (the “Plan”) with the Bankruptcy Court in the above referenced case (see attachment).

Any objection to confirmation of the Plan or the motions contained therein shall be filed in writing with the Clerk of Court at 501 East Court Street, Suite 2.300 P.O. Box 2448 Jackson, MS 39225–2448 on or before December 17, 2019. Copies of the objection must be served on the Trustee, US Trustee, Debtor(s), and Attorney for Debtor(s).

Objections to confirmation will be heard and confirmation determined on January 6, 2020 at 10:00 AM in the Thad Cochran United States Courthouse, Bankruptcy Courtroom 4C, 501 East Court Street, Jackson, MS 39201, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

Date: November 4, 2019

/s/ Thomas C. Rollins, Jr.

*Thomas C. Rollins, Jr., Attorney for Debtor*

Thomas C. Rollins, Jr., MSB# 103469  
The Rollins Law Firm, PLLC  
774 Avery Blvd. N, Ste. D  
Ridgeland, MS 39157  
trollins@therollinsfirm.com  
601-500-5533

**Fill in this information to identify your case:**

Debtor 1 Louis Darrell Harper, Sr.  
Full Name (First, Middle, Last)

Debtor 2 Betty Denise Harper  
(Spouse, if filing) Full Name (First, Middle, Last)

United States Bankruptcy Court for the SOUTHERN DISTRICT OF MISSISSIPPI

Case number: \_\_\_\_\_  
(If known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

\_\_\_\_\_

**Chapter 13 Plan and Motions for Valuation and Lien Avoidance**

12/17

**Part 1: Notices**

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

**If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.**

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

**Part 2: Plan Payments and Length of Plan****2.1 Length of Plan.**

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Debtor(s) will make payments to the trustee as follows:**

Debtor shall pay \$536.25 (☐ monthly, ☐ semi-monthly, ☒ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

Nissan of North Americ  
PO Box 685001  
Franklin TN 37068-0000

Debtor **Louis Darrell Harper, Sr.  
Betty Denise Harper**

Case number \_\_\_\_\_

Joint Debtor shall pay \_\_\_\_ (☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the joint debtor's employer at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 2.3 Income tax returns/refunds.

Check all that apply

- ☒ Debtor(s) will retain any exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows: \_\_\_\_\_

### 2.4 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

### Part 3: Treatment of Secured Claims

#### 3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

**3.1(a) Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

1 Mtg pmts to **Trustmark National**

Beginning **December 2019** @ **\$1,174.60** ☒ Plan ☐ Direct. Includes escrow ☒ Yes ☐ No

1 Mtg arrears to **Trustmark National** Through **November 2019** **\$9,665.64**

**3.1(b)** ☐ **Non-Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property **-NONE-**  
address: \_\_\_\_\_

Mtg pmts to \_\_\_\_\_

Beginning month @ \_\_\_\_\_ Plan Direct. Includes escrow Yes No

Property **-NONE-** Mtg arrears to \_\_\_\_\_ Through \_\_\_\_\_

**3.1(c)** ☐ **Mortgage claims to be paid in full over the plan term:** Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: **-NONE-** Approx. amt. due: \_\_\_\_\_ Int. Rate\*: \_\_\_\_\_

Property Address: \_\_\_\_\_

Principal Balance to be paid with interest at the rate above: \_\_\_\_\_

(as stated in Part 2 of the Mortgage Proof of Claim Attachment)

Portion of claim to be paid without interest: \$ \_\_\_\_\_  
(Equal to Total Debt less Principal Balance)

Special claim for taxes/insurance: \$ **-NONE-** /month, beginning month .

Debtor **Louis Darrell Harper, Sr.  
Betty Denise Harper**

Case number \_\_\_\_\_

(as stated in Part 4 of the Mortgage Proof of Claim Attachment)

\* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District  
*Insert additional claims as needed.*

**3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one..**

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.  
*The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

☒ Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
Nissan Motor Acceptanc	\$27,000.00	2015 Nissan Altima 139000 miles	\$10,530.00	\$10,530.00	6.75%

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
Veritas Federal Credit	\$4,679.00	2006 Nissan Titan 223624 miles	\$6,502.50	\$4,679.00	6.75%

*Insert additional claims as needed.*

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning
-NONE-			month

\* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

For vehicles identified in § 3.2: The current mileage is \_\_\_\_\_

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

**3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.**

*Check one.*

Debtor **Louis Darrell Harper, Sr.  
Betty Denise Harper**

Case number \_\_\_\_\_

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case.

**4.3 Attorney's fees.**

☒ No look fee: 3,600.00

Total attorney fee charged: \$3,600.00

Attorney fee previously paid: \$0.00

Attorney fee to be paid in plan per confirmation order: \$3,600.00

☐ Hourly fee: \$\_\_\_\_. (Subject to approval of Fee Application.)

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ Internal Revenue Service \$4,000.00

☒ Mississippi Dept. of Revenue \$580.00

☐ Other \$0.00

**4.5 Domestic support obligations.**

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☐ The sum of \$

☒ 100.00 % of the total amount of these claims, an estimated payment of \$ 20,251.72

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$19,889.35. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.**

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

Debtor **Louis Darrell Harper, Sr.  
Betty Denise Harper**

Case number \_\_\_\_\_

☐  
☒

**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage
Nissan of North America	2020 Nissan Altima 900 miles Leased Vehicle	\$247.00	\$0.00	

Disbursed by:

☐ Trustee  
☒ Debtor(s)

Insert additional contracts or leases as needed.

**Part 7: Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.**

**Part 8: Nonstandard Plan Provisions**

**8.1 Check "None" or List Nonstandard Plan Provisions**

☐

**None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.  
**Debtor to pay student loans direct.**

**Part 9: Signatures:**

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ Louis Darrell Harper, Sr.  
**Louis Darrell Harper, Sr.**  
Signature of Debtor 1

X /s/ Betty Denise Harper  
**Betty Denise Harper**  
Signature of Debtor 2

Executed on October 30, 2019

Executed on October 30, 2019

112 Northgate Dr

Address

Canton MS 39046-0000

City, State, and Zip Code

Telephone Number

112 Northgate Dr

Address

Canton MS 39046-0000

City, State, and Zip Code

Telephone Number

X /s/ Thomas C. Rollins, Jr.  
**Thomas C. Rollins, Jr. 103469**  
Signature of Attorney for Debtor(s)  
774 Avery Blvd N  
**Ridgeland, MS 39157**  
Address, City, State, and Zip Code  
601-500-5533  
Telephone Number

Date October 30, 2019  
  
103469 MS  
MS Bar Number

Debtor **Louis Darrell Harper, Sr.**  
**Betty Denise Harper**

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Case number

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**trollins@therollinsfirm.com**

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Email Address

**CERTIFICATE OF SERVICE**

I, Thomas C. Rollins, Jr., attorney for the Debtor(s), do hereby certify that by filing the attached Notice and Chapter 13 Plan, I have caused the following parties to be served electronically via ECF:

Case Trustee  
Office of the US Trustee

I certify that I have this day served a true and correct copy of the attached Notice and Chapter 13 Plan by US Mail<sup>1</sup>, postage prepaid, to the following creditor(s) listed in Sections 3.2 and/or 3.4 of the Plan pursuant to Fed. R. Bankr. P. 7004:

Nissan Motor Acceptance  
c/o CSC of Rankin County Inc.  
2829 Lakeland Dr, Ste 1502  
Flowood, MS 39232

Veritas Federal Credit Union  
c/o Teri Crowl, CEO  
1 Nissan Way  
Franklin, TN 37067

I further certify that I have this day served a true and correct copy of the Notice and Chapter 13 Plan by US Mail, postage prepaid, to all other parties listed on the attached master mailing list (matrix).

Date: November 4, 2019

/s/ Thomas C. Rollins, Jr.  
*Thomas C. Rollins, Jr., Attorney for Debtor*

Thomas C. Rollins, Jr., MSB# 103469  
The Rollins Law Firm, PLLC  
774 Avery Blvd. N, Ste. D  
Ridgeland, MS 39157  
trollins@therollinsfirm.com  
601-500-5533

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<sup>1</sup> If the creditor is an insured depository institution, service has been made by certified mail.



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: LOUIS DARRELL HARPER, SR  
BETTY DENISE HARPER

CASE NO: 19-03880

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 13

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On 11/4/2019, I did cause a copy of the following documents, described below,

Notice of Plan

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 11/4/2019

/s/ Thomas C. Rollins, Jr.  
Thomas C. Rollins, Jr. 103469  
The Rollins Law Firm  
774 Avery Blvd. North  
Ridgeland, MS 39157  
601 500 5533

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: LOUIS DARRELL HARPER, SR  
BETTY DENISE HARPER

CASE NO: 19-03880

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 13

On 11/4/2019, a copy of the following documents, described below,  
Notice of Plan

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document (s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 11/4/2019



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Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Thomas C. Rollins, Jr.  
The Rollins Law Firm  
774 Avery Blvd. North  
Ridgeland, MS 39157

PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL  
 PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

## CASE INFO

LABEL MATRIX FOR LOCAL NOTICING  
 05383  
 CASE 19-03880-NPO  
 SOUTHERN DISTRICT OF MISSISSIPPI  
 JACKSON-3 DIVISIONAL OFFICE  
 MON NOV 4 07-31-48 CST 2019

~~EXCLUDE~~

~~US BANKRUPTCY COURT  
 501 EAST COURT STREET SUITE 2300  
 PO BOX 2440  
 JACKSON MS 39225-2440~~

AARONS  
 PO BOX 100039  
 KENNESAW GA 30156-9239

CAPITAL ONE  
 PO BOX 30281  
 SALT LAKE CITY UT 84130-0281

ENTERGY MISSISSIPPI  
 639 LOYOLA AVENUE  
 NEW ORLEANS LA 70113-3125

FORT SILL NATIONAL BAN  
 511 SW A AVE  
 LAWTON OK 73501-3927

INTERNAL REVENUE SERVI  
 CENTRALIZED INSOLVENCY  
 PO BOX 7346  
 PHILADELPHIA PA 19101-7346

INTERNAL REVENUE SERVI  
 CO US ATTORNEY  
 501 EAST COURT ST  
 STE 4430  
 JACKSON MS 39201-5025

MS DEPT OF REVENUE  
 BANKRUPTCY SECTION  
 PO BOX 22808  
 JACKSON MS 39225-2808

MAGNOLIA FCU  
 240 BRIARWOOD DR  
 JACKSON MS 39206-3027

MISSISSIPPI DEPARTMENT OF REVENUE  
 BANKRUPTCY SECTION  
 POST OFFICE BOX 22808  
 JACKSON MS 39225-2808

NISSAN MOTOR ACCEPTANCE CORPORATION  
 LOSS RECOVERY  
 PO BOX 660366  
 DALLAS TX 75266-0366

NISSAN OF NORTH AMERIC  
 PO BOX 685001  
 FRANKLIN TN 37068-5001

PROGRESSIVE LEASING  
 256 W DATA DR  
 DRAPER UT 84020-2315

SMITH ROUCHON  
 1456 ELLIS AVE  
 JACKSON MS 39204-2204

ST DOMINIC HOSPITAL  
 PO BOX 24056  
 JACKSON MS 39225-4056

TEXAS GUARANTEED STD  
 PO BOX 83100  
 ROUND ROCK TX 78683-3100

TRELLIS COMPANY  
 PO BOX 83100  
 ROUND ROCK TX 78683-3100

TRUSTMARK NATIONAL  
 248 E CAPITOL ST  
 JACKSON MS 39201-2582

US ATTORNEY GENERAL  
 US DEPT OF JUSTICE  
 950 PENNSYLVANIA AVENW  
 WASHINGTON DC 20530-0001

~~EXCLUDE~~

~~UNITED STATES TRUSTEE  
 501 EAST COURT STREET  
 SUITE C 430  
 JACKSON MS 39201-5022~~

VERITAS FEDERAL CREDIT  
 1 NISSAN WAY  
 FRANKLIN TN 37067-6367

BETTY DENISE HARPER  
 112 NORTHGATE DR  
 CANTON MS 39046-3159

~~EXCLUDE~~

~~HAROLD J BARKLEY JR  
 PO BOX 4476  
 JACKSON MS 39296-4476~~

## DEBTOR

LOUIS DARRELL HARPER SR  
 112 NORTHGATE DR  
 CANTON MS 39046-3159

~~EXCLUDE~~

~~THOMAS CARL ROLLINS JR  
 THE ROLLINS LAW FIRM PLLC  
 774 AVERY BLVD N  
 RIDGELAND MS 39157-5219~~